

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING
MARCH 30, 2021**

John Eickman called the meeting to order.

Members present:

John Eickman, Lori Gee, John Cutler (arrived at approximately 7:10), Ed Myoshi, Sarah Bledsoe; Michael Cunningham, Attorney; Michelle Robbins, Planner; Brenden Fitzgerald, Traffic Consultant; Pete Setaro, Engineer; Staff: Jackie Keenan, Clerk; Julie Beyer, Meeting Secretary.

The meeting began with the Pledge of Allegiance.

CHAIRPERSON COMMENTS

Mr. Eickman stated that the meeting minutes from the last two meetings would be held over for approval and the upcoming meetings were Tuesday, April 20, and Tuesday, May 18, 2021.

DISCUSSIONS:

#2021-005 DKKA Corp (Daddy O's) 3 Turner Street (6457-01-4707-44)

Applicant is applying for a minor site plan amendment to enlarge an existing deck for additional outdoor seating.

Demetrious Moustakas was present.

Mr. Moustakas stated he is looking to extend the deck on the rail trail side of the building.

They're not looking to cover this, just extend it to the corner of the building.

Ms. Robbins showed on the map where the extension of the deck would be. She asked what the

dimensions of the proposed expansion would be. Mr. Moustakas stated it would be approximately 500 ft.². This is due to the fact that indoor dining has dropped off and people are wanting to eat outside. The total deck would be around 800 ft.².

Mr. Eickman asked if this would take some parking spaces away. Mr. Moustakas said yes, he would lose two spots. He would like to add eight concrete bollards for safety.

Ms. Bledsoe asked if this would go over top of the retaining wall. Mr. Moustakas said yes. It will go straight over that. There are already compressors there and it will go over them as well. He will put in some sort of sound insulation there as well. Ms. Bledsoe asked if he was going to enclose underneath it. Mr. Moustakas stated the compressors are already in an enclosure. Ms. Bledsoe asked if he was going to put some sort of screening around the area so people could not walk under there. Mr. Moustakas stated he was not planning to but he could. He was thinking of moving the bike racks there where they could be secured more permanently. Mr. Miyoshi stated that would be a good place for that.

Mr. Eickman asked if there were any other questions or comments from Board members. There were none.

MOTION made by Ed Miyoshi, seconded by Lori Gee, approve the amended site plan as presented. Voted and carried unanimously.

DECISION:

#2021-036 Hopewell Enterprises, LLC, Hillside Lake Road/Route 376 (6458-03-098495)

Michael Gillespie was present.

Mr. Eickman stated the applicant gave a complete presentation at the last meeting. He asked if there had been any changes since then. Mr. Gillespie stated there have not been any major changes. They have been working on the Department of Health approval and they are to the point where they have gotten final approval pending their receipt of final maps. The board did allow the applicant to clear trees, which has happened. They are hoping that the Board will move forward with the final resolution. There was a comment in the Town consultant engineer's letter. There are six lots, each of them being served by three access points coming in off of Hillside Lake Road. The applicant's attorney has been working with the Town attorney regarding easements. The applicant had proposed a blanket easement relative to the shared access points and driveways. They are asking if it is all right to proceed that way or would the Board like formal written descriptions detailed on the plat. Mr. Setera stated that the aprons are always in the right-of-way. He stated he would defer to the attorney, but he has never seen a blanket easement for driveways. Attorney Cunningham stated he believes he can work something out with the applicant's attorney. This is not something he is concerned about.

Mr. Setera asked if Mr. Gillespie could address the Department of Health's review of one well that tested positive for radon. Mr. Gillespie stated typically you would retest for that parameter, which he does believe has been done. He stated if there is another detect over the minimum

contaminant level they will have to provide notations on the maps specific to that. Mr. Setera stated that would be a condition of approval. He asked if the applicant agreed with the three proposed monuments and Mr. Gillespie said yes. Mr. Setera stated they would need to be put in before the chairman signs off.

Ms. Gee asked if the applicant had completed the clearing that was approved. Mr. Gillespie stated he believed it was done but not sure if they have last-minute cleanup that needs to be done tomorrow.

NAME OF SITE PLAN: HOPEWELL ENTERPRISES/SABELLICO'S

NAME OF APPLICANT: HOPEWELL ENTERPRISES, LLC

LOCATION: HILLSIDE LAKE ROAD

GRID NO. 6458-03-098495 & 6458-03-040051

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, the Applicant has applied for a 6-lot subdivision of a 16.02 acre parcel and a lot line realignment to transfer 4.13 acres of the 16.02 acre parcel to an adjacent 0.34 acre lot owned by Sabellico; and

WHEREAS, the six (6) new building lots will be accessed by three (3) shared driveways off Hillside Lake Road (a County Road); and

WHEREAS, the Planning Board held a Public Hearing on December 17th 2019 and closed the adjourned Public Hearing on February 18, 2020; and

WHEREAS, the action is considered to be an unlisted action under SEQR, for which the Planning Board declared their intent to be lead agency on December 19, 2020 and a coordinated review was undertaken; and

WHEREAS, the Planning Board declared lead agency on February 28, 2020 and adopted a

negative declaration for the proposed subdivision and lot line realignment on January 19, 2021; and

WHEREAS, the Planning Board issued Preliminary Subdivision Approval on January 19, 2021 for the above project as represented on a map entitled “MAJOR SUBDIVISION AND LOTLINE REALIGNMENT FOR HOPEWELL ENTERPRISES L.L.C AND SABELLICO” prepared by M. GILLESPIE AND ASSOCIATES, CONSULTING ENGINEERS, PLLC, dated August 7, 2019 and last revised December 1, 2020;

WHEREAS, the applicant has satisfactorily addressed many of the preliminary subdivision conditions and the subdivision plat has been revised for final approval;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues Final Subdivision Approval for the above project as represented on a map entitled “MAJOR SUBDIVISION AND LOTLINE REALIGNMENT FOR HOPEWELL ENTERPRISES L.L.C AND SABELLICO” prepared by M. GILLESPIE AND ASSOCIATES, CONSULTING ENGINEERS, PLLC, dated August 7, 2019 and last revised February 26, 2021 subject to the conditions set forth below:

1. Satisfactory resolution of comments in the CPL review letter dated March 22, 2021;
2. Review and approval by the Town Attorney of the common driveway and stormwater maintenance agreements and the drainage easement between Lot 6 and parcel A.
3. Approval from Dutchess County Department of Behavioral & Community Health (DCDBCH).
4. The final plat will contain the written approval of the DCHD before it is signed by the Chairperson.
5. Prior to signing of the Final Site Plan, the Applicant shall have the ability to clear trees on lots 4, 5, and 6 subject to the removal being performed on or before March 31, 2021, and only upon issuance of a clearing and grading permit for this work. The work shall be monitored by the Building Department and shall include the tree removal, no stumping or other improvements/site changes.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chair or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Planning Board Member John Cutler

The votes were as follows:

Board Member Lori Gee	Aye
Board Member John Cutler	Aye
Board Member Ed Miyoshi	Aye
Board Member Sarah Bledsoe	Aye
Board Member Christopher Tamulonis	Absent
Board Member Richard Campbell	Absent
Chairperson John Eickman	Aye

PUBLIC HEARING;

#2021-001 Tucker Subdivision Stormville Rd (6557-02-627745)

Applicant is applying to subdivide an existing 5.96 vacant parcel into four residential lots. The proposed lots will each have an area greater than 1 acre. There will be a single flag lot proposed in the northern end of the project site.

Rich Rennia was present.

Mr. Rennia stated this is a four-lot subdivision located on Stormville Road just north of the golf course. It is in the R1 Residential Zone, which is a 1 acre zone. The existing lot is 5.96 acres, and the four proposed lots will range from 1.2 acres to 1.65 acres. They are proposing wells and septic. They are scheduled with the Department of Health for April 7. They have revised the plans for the limit of disturbance lines as Mr. Setera had asked for. They still may change a little, but he feels comfortable they are pretty close.

Mr. Eickman asked if there were any questions or comments from Board members or Professionals.

Mr. Miyoshi stated he thought this was the open fields on the right inside coming from Route 216. The other day he noticed two for sale signs that seems to border that. He asked if that was part of this or if there were additional homes going up. Mr. Rennia stated he is not aware of any for sale signs. He stated the driveway should be staked out and Mr. Miyoshi stated he did see surveyors' stakes.

**MOTION made by Lori Gee, seconded by John Cutler, to open this Public Hearing.
Voted and carried unanimously.**

Mr. Eickman asked if there was anyone from the public to speak for or against this application. There was no one.

**MOTION made by Lori Gee, seconded by John Cutler, to close this Public Hearing.
Voted and carried unanimously.**

Mr. Eickman stated there was a Negative Declaration. Name of Action is Tucker Subdivision 4-lots. The proposed project would result in the subdivision of a 5.96-acre parcel located on Stormville Road in the R-1 zone into 4 lots. All proposed lots would conform with the R-1 zoning district. Lot 1 is proposed to be a 1.7-acre flag lot, Lot 2 is proposed to be 1.2 acres, Lot 3 is proposed to be 1.4 acres, and Lot 4 is proposed to be 1.65 acres. This is an unlisted SEQR

action. A Long Form EAF was analyzed in making this negative declaration. The action would not be expected to result in any significant adverse impacts for the following reasons:

1. The proposed subdivision will not generate a significant amount of additional vehicles, noise or emission levels.
2. The proposed subdivision will not result in any impacts to historic or archeological resources.
4. The proposed subdivision will not result in any impacts related to hazardous materials.
5. The proposed subdivision will not result in a significant effect on air, water quality or ambient noise levels for adjoining areas.
6. The proposed subdivision will not result in an unacceptable risk of flooding or major geological hazards.
7. The proposed subdivision will not have a substantial aesthetic affect.
8. The proposed subdivision will not adversely affect any surface water or groundwater.
9. The proposed subdivision will not allow for improper uses within specified zoning districts.
10. The proposed subdivision will not result in adverse cumulative impacts.
11. The proposed subdivision will not result in adverse growth-inducing impacts.
12. The proposed subdivision is consistent with the Town's Comprehensive Plan.

Based on a review of 6NYCRR 617.7, there appear to be no significant adverse environmental impacts.

MOTION made by Ed Miyoshi, seconded by John Cutler, to approve the Negative Declaration. Voted and carried unanimously.

NAME OF SUBDIVISION PLAN: **Tucker Subdivision**
NAME OF APPLICANT: **Scott Tucker**
LOCATION: **Stormville Road**
GRID NO: **6557-02-627745**

Resolution Offered by Planning Board Member: John Eickman

WHEREAS, Applicant has applied for a 4-lot subdivision of a 5.96 acre parcel in the R-1 Zoning District; and

WHEREAS, all proposed lots comply with zoning; and

WHEREAS, Lot 1 is a flag lot proposed to be 1.7 acres, Lot 2 is proposed to be 1.2 acres, Lot 3 is proposed to be 1.4 acres and Lot 4 is proposed to be 1.65 acres; and

WHEREAS, the Planning Board held a Public Hearing on March 30th, 2021 and closed the Public Hearing on March 30th, 2021; and

WHEREAS, the action is considered an unlisted action under SEQR, for which a coordinated review was not undertaken; and

WHEREAS, a negative declaration for the project was adopted on March 30, 2021;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues final Subdivision Approval for the above project as represented on a map entitled “Tucker” prepared by RENNIA ENGINEERING DESIGN, PLLC, dated December 30, 2020 subject to the following conditions:

1. Satisfactory resolution of comments in the CPL review letter dated March 22, 2021;
2. East Fishkill Highway Department approval of driveways;
3. The final plat will contain the written approval of the DCDBCH before it is signed by the Chairperson.

BE IT FURTHER RESOLVED, that within five (5) business days of the adoption of this resolution, the Chair or other duly authorized member of the Planning Board shall cause a copy of this resolution to be filed with the Town Clerk and a copy sent to the Applicant/Owner.

Resolution Seconded by Planning Board Member: John Cutler

The votes were as follows:

Board Member Lori Gee	Aye
Board Member John Cutler	Aye
Board Member Ed Miyoshi	Aye
Board Member Sarah Bledsoe	Aye
Board Member Christopher Tamulonis	Absent

Board Member Richard Campbell

Absent

Chairperson John Eickman

Aye

ADJOURNED PUBLIC HEARING:

#2020-035 Stone Ridge Commons, Route 52 and Palen Road (6356-04-731304/776321)

Applicant is requesting approval to construct two 3-story multi-family apartment buildings with 51 units and associated parking in a B1-A zone.

Richard O'Rourke, and Amy Bombardieri were present.

MOTION made by John Cutler, seconded by Lori Gee, to reopen this adjourned Public Hearing. Voted and carried unanimously.

Mr. Eickman stated a number of letters have been received for this application and they will all be part of the file. He stated anyone who wants to speak will be allowed to do so but he did state each speaker will be allowed to speak only once. He also asked everyone to refrain from repeating the same concerns as they have heard them several times before. They are happy to address any new concerns brought to them.

Mr. Eickman asked if there was anyone from the public to speak for or against this application.

Elaine Peterkin stated she lives behind Archway Plaza. When the Stone Ridge homes were built her neighborhood completely flooded. It is a major concern. They have met with some Town

Board members and expressed their concerns. The supervisor was supposed to come out and take a look. She wants to make sure that their neighborhood is protected because last time there were flooding issues when those homes were built. She asked if there was any way someone from the Town could come out and speak with them and show them the plans so they could go over their concerns. Ms. Robbins stated if Ms. Peterkin calls the Planning Board they can set something up to have someone come out and speak with them.

Steve Honan stated he did prepare and submit a letter on 3/30/21 that was sent to Clerk Keenan and Mr. O'Rourke approximately a half-hour ago in response to Mr. O'Rourke's letter. He stated he did look at the zoning for this particular project. He noticed that the zoning tables do not seem to match the bulk table on the first sheet of the site plan dated January 4, 2021. He stated there may have been relief granted from the zoning code but if not there are significant discrepancies in what the code indicates is necessary for the B1A zone. Primarily it is in regard to a two-story structure maxing out at 30 feet in height. He also questioned that the site plan did not specify the setbacks and the side yards that are being designated. On lot 23 he is unsure which is being designated as the front yard and which is the rear yard. He does believe that should be specified on the site plan. He stated at the last Public Hearing to discuss the need for photographic displayable renderings of what this development would look like as viewed from Round Hill Road. He stated that the first-floor elevation will be at approximately the same level as Route 52. In order to do that he believes they will need to be jacked up on a substantial foundation. The site plan does not indicate any length in regard to how far they will parallel Route 52. As per his

calculations building number two is approximately 210 feet long and building number one is about 260 feet long. He believes it is going to be an amphitheater type effect with sound bouncing off of those buildings and echoing into the subdivision. He believes it will be very intrusive. He believes the applicant should be required to reduce the size and density of this application. He believes the landscape plans need to comply with zoning and that buffers are required with respect to the areas that encroach upon or are adjacent to the residential homes. The site plan should reflect what the setback requirements are. He stated traffic was mentioned at the last hearing and he has included a copy of an aerial photograph of Palen Road. In that area Palen Road has three lanes going into Route 52 and if a proposed left-hand turn is permitted from there, he feels it will be very perilous to go across three opposing lanes of travel to go northbound on Palen Road. He asks that the Board listen to the residents from Round Hill Road regarding their concerns.

Mr. O'Rourke stated they have been requested to do a view shed analysis from the cul-de-sac. Photos were supplied with their March 22 letter that are as accurate as they could get. Photo number one is an existing view approximately 100 feet from the cul-de-sac onto Round Hill Road. Photo number two is a proposed view from approximately 100 feet onto Round Hill Road. Photo number three is the same view year number two with some tree growth. Photo number four is the same photo year number five. They also provided a site section view from as built roads from lots 24, 25, and 26. Photo number six was the update landscape and berm detail adding 14-foot arborvitae Green Giant's along the curb adjacent to the storm water basin behind

building one. They also provided the existing view from 30 Round Hill Road and a proposed view of building two from the driveway of 30 Round Hill Rd. Regarding Mr. Honan's letter, which was sent at 7 PM for a meeting that starts at 7 PM, it is the same thing that happened with his last correspondence the night of the last Public Hearing. The letter does not respond to what Mr. O'Rourke had sent but is asking for a detailed analysis of dimensional requirements. There have been Public Hearings for the last four months for this project. At the last Public Hearing the applicant was asked to be responsive to the neighbors. Mr. Lund went out to the site and has tried to meet with the neighbors. In regard to traffic, this will produce 179 trips less per day than what was previously approved by both Dutchess County Department of Transportation and New York State Department of Transportation for both Palen Road and Route 52. This project is less intrusive and less impactful than what was previously approved. This property has been zoned nonresidential for a very long period of time. They respectfully believe they have been responsive and are in compliance with the zoning regulations.

Ms. Bombardieri stated there were some comments made in the chat feed that she would like to respond to. She stated Mr. Lund reached out to everybody who reached out to him. He made tremendous efforts to address the concerns of the neighbors. The arborvitae they are proposing are Green Giants and they are deer resistant. And Mr. Honan is not referring to the correct transitional zoning for the residential special permit requirements. That is section 194 – 46.10. The cul-de-sac is not proposed to be open. It will remain gated.

Mr. Eickman stated he has participated in a videoconference with Brendan Fitzgerald. He asked Mr. Fitzgerald to summarize that meeting. Mr. Fitzgerald stated that based on elements in the area and the redevelopment of the IBM East Campus and West Campus, the Town has been looking collectively at this area to provide appropriate mitigation along the Route 52 corridor. With the redevelopment of the West Campus, the developer will dedicate the road that leads from Route 52 to Lime Kiln Road to the Town. That will become a bypass road connecting Route 52 to Lime Kiln. The Town is progressing a project to redevelop the intersection of Auditorium Drive into a modern roundabout to allow efficient movement along Route 52 and utilize that bypass road. Additionally, the Town is looking for alternatives coordinating with the John Jay High School to find mitigation measures to help alleviate the big surge in traffic in the AM drop-off period and the PM pickup time. They're looking to develop a second drop-off area dedicated along Auditorium Drive. Mr. Miyoshi asked if it was primarily the John Jay traffic causing the backup on Route 52, not necessarily other businesses along there. Mr. Fitzgerald stated that the AM peak traffic is primarily from John Jay. The traffic from surrounding roads does contribute but the bulk is from the high school. Re-timing the light will be helpful but not the solution to the problem. The redevelopment of the East and West complex will contribute to traffic.

Resident #1 stated he wanted to address Mr. O'Rourke impugning the motives of their attorney. He stated he questions the developer's claim of trying to meet with the neighbors. This is a very communicative neighborhood with daily e-mails and no one has mentioned the developer

reaching out to meet with them. He stated that Mr. Fitzgerald acknowledges there is already a traffic issue with a serious investment by the Town and school board needed to alleviate what already exists. To put this development across the street will only make it worse. He asked if there was a complete impact study done with the other incoming developments, including Amazon. He stated this development will have a negative impact on the safety of the students crossing that walkway. He stated that their attorney submitted several questions that have not been addressed. The resident stated he understands that this is one of only two lots in East Fishkill that have this zoning and it was made at the request of the Town Supervisor. That does not make sense to him. He stated when you go through Section 194.44 it states that the development shall be in harmony with the surrounding area. The neighbors do not feel that these buildings are in harmony with their neighborhood. There is a section that addresses the location, nature, and height of the buildings, walls and fences and the nature and extent of the landscaping of the site and that the use will not hinder or discourage the appropriate development or use of the adjacent lands and buildings. He stated that his neighbor's retirement home is at the end of the cul-de-sac with a swimming pool for her grandchildren and now there will be three stories of apartments staring down on her privacy. He feels this is does not afford her the appropriate use of her property. He feels everything about this development contradicts section 194 – 44, especially in regard to traffic because it will cause undue traffic congestion.

Patrick Rougeux stated that the developer did come out and take pictures of the land. He asked if these meetings need to be noticed with postings on the road. Attorney Cunningham stated they

do ask the applicant to update the signs. Mr. Rougeux stated they have not been updated and the old signs have turned into debris. He feels this shows how the building will look in the future, with things not being kept up. He stated the previous site plans have all of the traffic going out onto Route 52. He does feel that a left turn across Palen Road will get someone killed.

Natalie Schiavone stated she lives in Stone Ridge Estates. She stated Mr. O'Rourke stated the Public Hearing has been open for months. She stated there has been no transparency for the prior meeting. There was nothing on the East Fishkill website and there was nothing up until two days ago for tonight's meeting. She called and spoke with Tom Franco and he was unaware that these meetings were posted. She stated in all of her discussions with Town officials regarding this application it was never disclosed that they were going to be looking at a box with railings on it. It does not keep with the aesthetics of what their development looks like. They were told if something was going in it would look more residential, like the developers shop on Trink Lane. Mrs. Schiavone stated she had specifically asked about dogs and she was told there would be an additional fee for renters to have dogs. She asked if there was a designated space where these pets would be walked. If not, it is her fear that they will cross over the cul-de-sac into her neighborhood and then they will not clean up after their animals. She asked if there was going to be a project manager on-site. If there would be someone to monitor things were being done properly and kept neatly or if the neighbors are going to have to patrol it and complain when things don't get done right. She stated they had said that the intention was for a one-year lease on these apartments, but there was no guarantee they could not be used for Section 8. She stated if

someone rents for a year and then leaves, empty apartments are more likely to take a lower income rental then leave it vacant. She also stated that the Arborvitae being provided is not deer proof. If they are desperate, they will eat anything.

John Koch stated the Town Code requires that notices be updated within five days of the adjourned Public Hearing. He stated in the past the Planning Board has not opened a Public Hearing and has made people re-notify if it was not updated as per code. The re-zone from R1 to B1A was done in approximately 2012. The re-zone law that allow apartment buildings was done February 28, 2019. When the re-zone was done the Town Board should have send notices to properties within 500 feet that there will be a re-zone that affects them. Another issue is that the link for the zoom meetings is part of the agenda. Yesterday or today the link on the website for agendas has disappeared. You have to search through the entire website to find those links.

Robert Leone lives at 94 Round Hill Rd. and has three children in the Wappinger School District. He stated originally this property was zoned for two single family homes. That was changed to a bank and office building and then it was changed to be apartment complexes. These are 51 units on two single family plots of land. There will be over 100 people there. The renderings of the buildings do not match any of the exteriors of the existing homes. He stated this will impact the quality of life for his family and for that of his neighbors. The first issue is the safety of his children, traffic, and privacy. The Green Giant trees only grow one to two feet a year and are not deer resistant. That means in 15 to 20 years they will finally give privacy from the development.

There is a concern regarding light pollution. There are balconies that look over and into homes along the roadway. He does feel that is unacceptable. Especially for the homes with children. He stated from the point of view of someone moving into that complex, they would be excited to have a place for the child to ride bikes. However, most people would rather have their child ride a bike or go for a walk in the neighborhood and not the parking lot and that will lead them across the cul-de-sac. The proposed dog walking area is the size of a parking spot. He feels people will come into his neighborhood to walk the dog. The people who live in this neighborhood chose it because it is a quiet neighborhood. With 51 units going in that will not be the case any longer. This is unacceptable to the neighborhood and he feels it is unfair.

Rich Procida stated that the developer is looking to maximize the property. Based on the proposed plans Mr. Procida does not see any recreation area or common space for the tenants. He does ask the Board to consider requiring them to provide some sort of recreation space for the tenants to reduce foot traffic, cycle traffic, and dog walking on Round Hill and by the power lines. He stated it is the Board's responsibility to use discretion when approving a project of this magnitude. Every landowner has the right to develop their property as they see fit within the guidelines of the law. That same law provides discretion to the Board members to ensure other property owner's quality of life is not negatively impacted by such development when providing an approval. He asked if the Board would consider a project smaller in scale. He stated in some areas of East Fishkill a minimum of an acre of land is required for a single-family home, and this is going to be 51 homes on approximately 7 acres of land. He stated regarding the landscaping

provided by the developer, some of these trees only have foliage six months of the year. Some of the ones shown are not on their property so property owners could get rid of them, which would affect the sightlines. He believes that the foundation of the buildings are raised above the plane of Route 52 on the elevation level and Route 52 is already at a higher elevation than some of the homes on Round Hill. He asked if the Board could require the developer to use the lowest elevation on Route 52 or Round Hill Road as a base level when considering the height of the buildings. That would make them less visibly intrusive. He did include photos with the letter that he submitted. They were from his stairwell, front porch, and kitchen. He did invite the Board members to his house to view his property and how close it is to this proposed project. He feels this project will be very intrusive to his family. He suggested requiring the developer to increase the minimum height of screening and landscaping. He feels that if the owner is unable to rent out the apartments to non low-income families, they will probably accept low income rents. He requested if this does get approved that the Board requests that the hours of construction be 8 AM to 6 PM on weekdays and 9 AM to 4 PM on weekends with no holidays. He also feels there should be a clause that the developer has to restore this property to its original state when the project fails. He asked the Board members to please consider how this project will impact their quality of life.

Resident #2 stated he lives in the same neighborhood as Elaine Peterkin. He stated at one point he had 4 feet of water in his backyard. They assured him that he would never get flooded like that again. He does believe the building is ugly, but his bigger concern is the flooding.

Leon Grebla lives on 90 Round Hill Road. He stated he does not want to see this project go forward. He does not think its right or fair. This is a residential neighborhood that has been here for almost a decade. Now right next to this residential area they want to put in commercial buildings. There is no buffer between residential and commercial. He is concerned about the inaccuracies and reasons why things have to be done a certain way. He believes a traffic study done in the beginning of 2020 could not have taken into account any traffic from the 500 full-time and 700 part-time employees at the new Amazon project. A lot of the employees will not be coming off of I 84 so that will impact local traffic. If they could put up a wall or barrier between the neighborhoods the problem would probably be less. Even with 17-foot arborvitae and a 35 foot high building your still not covering 20 feet. Some sort of structured barrier to prevent one neighborhood from going into the other neighborhood would be beneficial. The reason they were told they could not be done is because the Board of Education stated the school bus stop has to be at the end of the cul-de-sac. Mr. Grebla called the Transportation Department of the Wappinger's Central School District and spoke to Christine Crandall. She told him that they gave the applicant three choices for school bus locations and that they are waiting to hear back from the applicant as to what decision was made. He feels the developer used the bus stop to prevent the barrier from going up because somebody with a child or dog would not want to live in an area that they were barriered into. The Round Hill residents were told the school bus stop has to be there, so that gives apartment residents access to that neighborhood.

Bob Falcon lives at 47 McKeown Terrace. He feels there are many reasons why this project should not be built. His concern is where the water runoff is going to go. He was told it is going to go across route 52 into IBM's plant area. From what he can understand IBM's plant is not compliant now. The parking lots will add more blacktop which will create 100% runoff. He has spoken with environmental engineers and they said the water cannot go to IBM because they are failing already. He had 3 feet of water in his house last time it flooded. He stated he will not sue the Board, but will sue everyone individually who votes for this because it will wash him out.

Attorney Cunningham stated the Board cannot operate based on the illegal threats for individual lawsuits. Any lawyer who would bring an action against individual Board members would need cause for that or would be subject to sanctions.

Mrs. Fallone asked if any of the Board members had come out to the neighborhood to see for themselves what each of the neighbors will be seeing. She does understand photos have been shared and photos have been taken, but pictures can be touched up. She believes it does no justice for what all of the neighbors will have to be seeing if this project is actually approved.

Mr. Fallone stated his property is near this property and there is a driveway for another lot that is undeveloped at this time right next to this project. The applicant is unable to plant any trees along there because of this driveway, so he is curious as to where the plantings are going to go.

Mrs. Fallone stated the trees that are not on their property or the applicant's property are dying and are falling with each new storm. They don't belong to either the applicant or the Fallone's so

these trees could be cut down by a new owner at any time and will no longer be affording them any privacy.

Kelly Linguard thanked the Board for taking the time to listen to the concerns of the neighborhood. She just wants to remind everybody that these were originally residential lots. In 2012 or 2013 she came before this Board objecting to the change in zoning to make these commercial lots. Residents were assured at that time that even though they would change to commercial lots they would be daytime only businesses. It would be a bank or doctor's office. They would not be open on weekends or have evening lights. There would be no trash in the backyards. There would be no large addition of traffic. Her concern at that point was that at some point there would be a push towards an application of this nature. She hopes that this Board will reflect back on the commitments and promises that were made during the initial shift from residential lots to commercial lots.

Attorney Cunningham stated there is one speaker who has already spoken. Mr. Eickman stated he would like to stick to the original ground rules set at the beginning of the hearing that each person could speak once. He would encourage the speaker to write out their comments and get them to the Town Planning Office. The Board will review all written comments that have been submitted up to this point and going forward for the next 10 days. He does believe at this point they have heard sufficient information along with whatever might come in over the next 10 days that they can close the Public Hearing.

Ms. Gee asked if they could address the storm water attenuation. She asked Mr. Setera to update everyone on their storm water and runoff and process. Mr. Setera stated the applicant has prepared a Storm Water Pollution Prevention Plan, which analyzes the storm water for this particular site. They did fairly extensive soil testing, which his office was present for at different times. The soil on the site is a good, gravelly soil. The storm water management plan for this development is to infiltrate the groundwater. They have done the analysis and taken into account the percolation rates of the soils and are proposing to enlarge an existing retention facility and create a second one that will accommodate up to a 100-year storm event. There is no anticipated discharge off of the site. They are very aware of the flooding issues in this area. During the review for the sport dome project this office did substantial drainage review both upstream and downstream from this application. Even with the new Amazon facility they have updated their previous study and they were very careful to make sure there were no downstream impacts. This project plans to be able to accommodate all the runoff on their own site.

Dan Barry has stated his concern is with closing the Public Hearing as so many concerns raised and items are not yet addressed. Mr. Eickman stated they have had several public hearings and taken in a great deal of information and comments from the public as well as the applicant. They have a great record showing all of the concerns to be able to make a good judgment and a subsequent meeting. He asked the attorney if there was anything to prevent them from closing this hearing. Attorney Cunningham stated that closing the Public Hearing does not mean the

project is approved. The Board still has time to deliberate. Mr. Eickman stated that determination will not be made tonight. The applicant still has some additional things they are doing in terms of engineering and the Board will be taking into account all of the information that has come out of the Public Hearings.

Mr. Eickman asked if there were any additional questions or comments from Board members.

There were none.

MOTION made by Ed Miyoshi, seconded by John Cutler, to close this Public Hearing. Voted and carried unanimously.

ADJOURNMENT

MOTION made by John Cutler, seconded by Ed Miyoshi, to adjourn the Planning Board meeting. Voted and carried unanimously.

Respectfully submitted:

_____,
Julie J. Beyer, Meeting Secretary
East Fishkill Planning Board